

CHAPTER NO. 55

SENATE BILL NO. 51

By Rochelle, Haun

Substituted for: House Bill No. 46

By Givens, McDaniel, Bone, Beavers, Hargrove, Maddox, Winningham, Whitson,
Ronnie Davis, Sands

AN ACT To amend Tennessee Code Annotated, Section 47-18-202, relative to beauty pageants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-202, is amended by inserting in subsection (d) after the language "in existence for one (1) year," the language "a community fair, a county fair, a district fair or a division fair as defined in Section 43-21-104, or any other regional fair".

SECTION 2. Tennessee Code Annotated, Section 47-18-202, is further amended by deleting the words "secretary of state" wherever they appear and substituting instead the words "division of consumer affairs in the department of commerce and insurance".

SECTION 3. The registration of beauty pageant operators by the secretary of state prior to the effective date of this act shall be transferred to, and be administered by, the division of consumer affairs in the department of commerce and insurance on and after the effective date of this act.

SECTION 4. A violation of any of the provisions of Tennessee Code Annotated, Title 47, Chapter 18, Part 2, relative to beauty pageants, or rules promulgated under such part constitutes a violation of the Tennessee Consumer Protection Act, compiled at Title 47, Chapter 18, Part 1. For the purpose of application of the Tennessee Consumer Protection Act, any violation of the provisions of Title 47, Chapter 18, Part 2, shall be construed to constitute an unfair or deceptive act or practice affecting the conduct of any trade or commerce and subject to the penalties and remedies as provided by the act.

SECTION 5. Whenever it appears to the director of the division of consumer affairs that an operator as defined in §47-18-201(4) is acting in violation of Tennessee Code Annotated, Title 47, Chapter 18, Part 2, and the director determines that the public health, safety, or welfare is endangered, the director may issue an order to that operator to cease and desist in such violations, without prior notice. The operator shall be afforded an opportunity for a hearing within seven (7) business days to show cause why such order should be lifted, rescinded, or modified.

SECTION 6. The Tennessee Code Commission is requested to change any reference in Title 47, Chapter 18, Part 2, from the "secretary of state" to the "division of consumer affairs in the department of commerce and insurance" to conform the provisions of such part to the transfer authorized by this act.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 24, 1999


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 7th day of April 1999


DON CONQUIST, GOVERNOR